

The Big Sky Country

EXHIBIT 36 AD
DATE 2/17/09
HB 445

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE BETSY HANDS
HOUSE DISTRICT 99

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2/17/09

Re: HB 445 – Farmer Protection Act

Dear Esteemed Members of the Agriculture Committee:

I am writing to let you know my follow up since the hearing. On Friday I talked with Cort Jensen (Department of Agriculture), Ron Ueland (WestBred), and Rodney Nelson (ND Farmer) as well as others interested in the bill. I have not heard from the Farmers' Bureau or the MT Grain Growers (I had hoped they would contact me after I talked with Mr. Ueland because we agreed he would let them know that I was open to discussing the bill). I truly do not understand what their objections are.

My conversations have led me to believe that this is a very reasonable bill and provides both protections for patent holders and farmers. First, Mr. Jensen let me know that the Department would need at least 4 to 5 days to be able to respond to a request due to scheduling and distance. Because a farmer might not receive the request on the very day it arrives (because they are visiting a family member who just had a baby or a 50th birthday), I feel that is a reasonable amount of time. Mr. Jensen also pointed out that the patent holder has protections in the bill:

Section 2 (2) (b) "If the patent holder believes that the crop from which samples are to be taken may be subject to intentional damage or destruction, the patent holder may petition the district court having jurisdiction over the area in which the land is located for a protective order to minimize interruption or interference with normal farming practices, including harvesting and tillage."

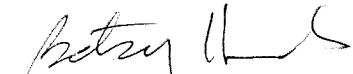
Think about it - it would be pretty hard to hide harvesting or destroying a crop and if the patent holder were worried than there would be someone observing the fields and witnessing any questionable behavior. They could take pictures and get a district judge to act. The pictures would also act as evidence in their later court cases.

With Mr. Ueland, I discussed the above section and that the rights for patent holders are actually augmented in the bill since currently the patent holder does not have the right to

trespass on the property. I felt this was a clear and transparent process and did not understand the concerns; and in fact, we are trying to protect the farmer from cases where they are threatened to allow inspections without ensuring that the process is open and includes an agreed upon sampling protocol. We talked some about the difference unscrupulous farmers and unscrupulous patent holder corporations and that their actions should not prevent this bill from making a clear sampling protocol. In the end, we agreed that he was just one guy and that he did not represent the organizations that had contacted him. He was uncomfortable speaking for the groups. I asked him to please forward my contact information to the Montana Grain Growers and Farmers Bureau. I have not heard from them, but I have heard they are advocating against this bill. If there is some compromise, I am willing to work it out but I need to hear what it is.

I then talked with Rodney Nelson who wanted to clarify the need to further define the sampling process. I asked Mr. Everts to draft an amendment from these recommendations and ensure the sample protocol would be clear and transparent. After numerous conversations with the above and other concerned farmers, I strongly feel that HB 445 deserves your consideration and support. I hope you will continue to ask questions if you are interested in learning more about how this bill is important in protecting farmers from unscrupulous and unwarranted lawsuits that threaten to ruin a farmer's livelihood. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betsy Hands", followed by a horizontal line.

Betsy Hands

Representative House District 99